

REMARKS

In the Office Action the Examiner rejected claims 1-13 and 15-24 under 35 U.S.C. 102 as being anticipated and objected to claim 14 as being dependent on a rejected base claim but otherwise allowable. Claims 1-24 remain under examination.

Applicants gratefully acknowledge the allowability of claim 14. Claim 14 has been amended to independent form and further clarified.

The Examiner used two references as each being anticipating references. The Examiner pointed out that Leong teaches a strained silicon layer. Applicants agree that this is mentioned in the title, in the summary, and in claims 16 and 17. The summary, however, is not clear as to what layers are being discussed. The claims are equally difficult to comprehend because they don't appear to be supported by the specification. Applicants, however, have still been able to find any disclosure concerning strain in Yamazaki. Further, the Examiner appeared to take the view that any SiGe layer was inherently strained because the Examiner viewed a SiGe carrier substrate as being strained although there was no statement that it was strained. A carrier almost has to be relaxed because it is generally by far the largest thickness so there is no other layer to keep it from becoming relaxed. Also a SiGe layer can be relaxed, especially as the carrier substrate. Although applicants do not necessarily agree that Leong's teaching on strain is sufficient to provide a relevant teaching with respect to applicants' invention on the issue of strain, applicants believe that is not the only grounds for a patentable distinction.

Orientation, or at least a family of orientations, is designated by parentheses, which is consistent with Leong's designation and nomenclature. Similarly, curly brackets, which are used by Yamazaki, designate a plane as a particular orientation of a family of orientations. Applicants, in contrast, are claiming direction. Leong, for example, teaches that the two preferred orientations are (100) and (110). Each of these orientations are likely to have either the <100> or the <110> direction. They can also have other directions as well. Leong and Yamazaki both are teaching different orientations, but neither are teaching different directions and there is no particular reason to think they are teaching different directions. The effects of orientation and direction are not the same. That there is a benefit from orientation being the same or different makes no similar suggestion for direction. Not in fact that in applicants' described embodiment the <100> layer and the <110> layer have the same {100} plane.

Accordingly, applicant submits that all of the claims are patentably distinct from Yamazaki and Jeong.

The Office Action contains numerous statements characterizing the claims, the Specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Thus applicants believe the application is in condition for allowance which action is respectfully solicited. Please contact the below-signed if there are any issues regarding this communication or otherwise concerning the current application.

Respectfully submitted,

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